IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

Bail Appl..No. 1398 of 2007

CRIME NO. 48/2007 OF RANNY POLICE STATION

PETITIONER/ACCUSED

LALGI ABRAHAM, AGED 34 YEARS,
KOODATHUMMANNIL HOUSE, ANGADI VILLAGE,
ANGADI MURI, RANNY.

BY ADV. SRI.S.SANTOSH KUMAR (PERUNAD)

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1398/2007

Dated this 8th day of March, 2007

O R D E R

The petitioner who is the accused in Crime No.48/2007 of Ranny Police Station for an offence punishable under Section 308 IPC and also under Sections 20 and 21 of the Kerala Protection of River Banks & Regulation of Removal of Sand Act, 2001 and Rule 48(k) read with Rule 58 of the Mines and Minerals Concession Rules, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 5.00 p.m on 26.2.2007, the petitioner had illicitly removed sand in a Tata Sumo Jeep and when the police constable signalled him to stop the vehicle, instead of complying with the orders of the police he drove the vehicle against the police constable. Thereafter, the vehicle was chased by the police and during the course of the hot chase, the vehicle was captured and the petitioner sustained injuries and he is undergoing treatment in the hospital.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the

petitioner to surrender before the Investigating Officer and then to have his application for regular bail considered by the Magistrate concerned.

5. Accordingly, the petitioner is directed to surrender before the Investigating Officer within two weeks from today for the purpose of interrogation. Thereafter, the petitioner shall be produced before the Magistrate having jurisdiction, on the same day. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same day on which it is filed.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs